

§ 114-9.5. Contingency Fees.

(a) The Attorney General may not give permission under G.S. 114-2.3 for a State agency to enter into a contingency fee contract that provides for the private attorney to receive an aggregate contingency fee, exclusive of reasonable costs and expenses, in excess of:

- (1) Twenty-five percent (25%) of any damages up to ten million dollars (\$10,000,000); plus
- (2) Twenty percent (20%) of any portion of such damages between ten million dollars (\$10,000,000) and fifteen million dollars (\$15,000,000); plus
- (3) Fifteen percent (15%) of any portion of such damages between fifteen million dollars (\$15,000,000) and twenty million dollars (\$20,000,000); plus
- (4) Ten percent (10%) of any portion of such damages between twenty million dollars (\$20,000,000) and twenty-five million dollars (\$25,000,000); plus
- (5) Five percent (5%) of any portion of such damages exceeding twenty-five million dollars (\$25,000,000).

(b) In no event shall the aggregate contingency fee exceed fifty million dollars (\$50,000,000), exclusive of reasonable costs and expenses, and irrespective of the number of lawsuits filed or the number of private attorneys retained to achieve the recovery.

(c) A contingency fee shall not be based on penalties or civil fines awarded or any amounts attributable to penalties or civil fines. (2014-110, s. 1.1.)